

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIMETREUS ADAMS,

Petitioner,

-against-

SUPERINTENDENT OF ELMIRA
CORRECTIONAL FACILITY,

Respondent.

24-CV-6622 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 26, 2024, the Court directed Petitioner, within thirty days, to submit an amended application for leave to proceed *in forma pauperis* (“IFP”) or pay the \$5.00 fee required to file a *habeas corpus* petition in this court. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an amended IFP application or paid the fee.¹ Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Because Petitioner has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

¹ Petitioner was incarcerated when he filed this petition, but was subsequently released. On February 12, 2025, the Court mailed a copy of the order to the most recent address Petitioner provided.

The Court directs the Clerk of Court to enter judgment dismissing this case.

SO ORDERED.

Dated: April 25, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge